

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 19, 2009

DIVISION ONE

B204576 People
 v.
 William Ellis

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B208243 Van Slyke (Not for Publication)
 v.
 Unemployment Insurance Appeals Bd.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B212145 Bus Riders Union, et al. (Not for Publication)
 v.
 L.A. County MTA

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B204763 People (Not for Publication)
v.
Clarke

The judgment is modified to strike the 10-year gang enhancement imposed in count 1 pursuant to section 186.22, subdivision (b) and to substitute therefore the 15-year minimum parole eligibility requirement. In all other respects the judgment is affirmed. The superior court is directed to modify the abstract of judgment to delete the enhancement under section 186.22, subdivision (b) and to forward a copy of the amended abstract to the Department of Correction and Rehabilitation.

Boren, P.J.

We concur: Doi Todd, J.
Ashmann-Gerst, J.

B207955 People (Not for Publication)
v.
Quijano

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B208895 People (Not for Publication)
v.
Hardin

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (continued)

B208577 People (Not for Publication)
v.
S.K.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Willhite, Acting P.J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B207123 People v. Martin
B210878 People v. Sheppard
B213341 DCFS v. Ashley A.

Argument waived, cause submitted.

B217283 Karen W.
v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

Merits:

Argued by Ada R. Cordero-Sacks for petitioner and by Kim Nemoy, Deputy County Counsel, for real party in interest. Cause submitted.

DIVISION FOUR (continued)

B212886 The Trading Post Loan Co., Inc.
 v.
 Kiss, et al.

Merits:

Argued by Ronald W. Ito for appellants and by Vladimir A. Bogorad for respondents. Cause submitted.

B209086 People
 v.
 Burns, et al.

Merits:

Argued by Joseph S. Klapach for appellant Baston and by David F. Glassman, Deputy Attorney General, for respondent. Appellant Burns previously waived oral argument. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Willhite, Acting P.J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B210100 People v. Torres
B208921 People v. Bishop
B212834 DCFS v. D.M.
B211284 DCFS v. Miesha R.

Argument waived, cause submitted.

DIVISION FOUR (continued)

B209109 Dressler, et al.
v.
Colombo

Merits:

Argued by John R. Armstrong for appellant and by Charles Cummings for respondents. Cause submitted.

B214175 Greene
v.
Levis

Merits:

Argued by Cedric Greene appellant in propria persona and by Elizabeth G. O'Donnell, Deputy Attorney General, for respondent. Cause submitted.

B210168 Reiner
v.
Phaneuf, et al.

Merits:

Argued by Jens B. Koepke for appellants and by Martin Reiner respondent
in propria persona. Cause submitted.

Court adjourned.

DIVISION FIVE

B211191 People (Not for Publication)
v.
Joshua Bonaparte

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (continued)

B205392 People (Not for Publication)
v.
Donald W. Greer

The trial court's decision not to award presentence custody credit for the period defendant was also in custody in the second case (No. SA060525) is affirmed. The trial court's award of 394 days of presentence custody credit in this case is reversed, and the matter is remanded to the trial court with instructions to determine the date on which defendant became eligible for parole in the second case and to calculate the number of days of actual custody credit to which defendant is entitled for the period from that parole date to the date of sentencing in this case. The trial court should then award defendant the number of days of actual custody credit determined by that calculation, award an additional nine days of actual custody credit for the period from defendant's arrest to the posting of bail, and award an additional 13 days of actual custody credit for the period between the date he was remanded to custody in this case and the date he was remanded in the second case. The trial court should aggregate defendant's actual custody credit for purpose of calculating the conduct credit to which he is entitled and amend the abstract of judgment to reflect the total presentence custody credit awarded. In all other respects, the judgment of conviction and sentence are affirmed.

Mosk, J.

We Concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (continued)

B214460 People (Certified for Partial Publication)
v.
Ronald Lee Smith

The oral judgment is modified to: award 165 days of presentence custody credit; impose \$40 in court security fees pursuant to Penal Code section 1465.8, subdivision (a)(1); and impose a \$30 court facilities funding assessment under Government Code section 73073, subdivision (a)(1). The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B211271 Autina Gharibian (Not for Publication)
v.
Irena Gareeb
Estate of Rene Banayot, Deceased.

The order denying without prejudice the petition to probate a lost will is affirmed. Objector, Irena Gareeb, is to recover her costs on appeal from petitioner, Autina Gharibian.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (continued)

B214292 Dianna Orozco (Not for Publication)

v.

Russell F. Coser, D.D.S., Inc.,

The judgment is affirmed. Russell F. Coser, D.D.S., Inc. is awarded its costs on appeal.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

DIVISION SIX

B206368 People (Not for Publication)

v.

Tejeda

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B212767 Preston (Not for Publication)

v.

Preston

Ventura County Department of Child Support Services

The judgment is reversed. Each party to bear their own costs.

Coffee, J.

I concur: Gilbert, P.J.
I dissent: Yegan, J. (Opinion)

DIVISION SEVEN

[illegible]

The judgment is modified to reflect 442 days of actual custody credits in addition to presentence credits in the amount of 220 days, for a total of 662 days of presentence custody credits. The clerk of the superior is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

B209586 Triumph Transport, Inc., (Not for Publication)
v.
City of Bellflower, et al.

The judgment of the superior court is reversed. Appellant is to recover its costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.
Jackson, J.

October 19, 2009 (Continued)

DIVISION EIGHT

B194272 People (Certified for Publication)
v.
Banos

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Mohr, J. (Assigned)